

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA

RUTH ANN WINDER,

Plaintiff,

04cv0301

v.

LINDEN HALL, UNITED STEEL
WORKERS OF AMERICA, et al.,

Defendants.

MEMORANDUM OPINION

August 1, 2006

On March 31, 2004, this Court entered an Order closing the case administratively based upon the stipulation of the parties to submit to binding private arbitration. The Order also stated that “in the event any party fails to comply with the agreement to arbitrate, the case shall be reinstated to the docket upon written request of any party for purposes of enforcement of the agreement to arbitrate,” and that the Court would retain jurisdiction to enforce the terms of the agreement to arbitrate and any arbitration award. Order of March 31, 2004 (Document No. 14).

Plaintiff Ruth Ann Winder filed on July 20, 2006, a “Petition to Enforce the Terms of Arbitration Agreement and/or Vacate Arbitration Award” (Document No. 19) which indicates that on June 20, 2006, the private arbitrator entered a ruling granting defendants’ summary judgment motion, dismissing plaintiff’s claims, and declining to award attorneys fees. Plaintiff is not, however, seeking to “enforce” the Arbitration Agreement but, rather, is attempting to back-door appeal an adverse determination by the selected arbitrator on defendant’s motion for summary judgment motion. This Court did not retain jurisdiction to entertain such an appeal.

The Court does, of course, have jurisdiction under the Federal Arbitration Act to vacate an award under certain narrow sets of circumstances. 9 U.S.C. § 10. After careful consideration of

plaintiff's Petition to Enforce the Terms of Arbitration Agreement and/or Vacate Arbitration Award and attachments thereto, her brief in support, and defendants' response and brief in opposition, the Court finds none of the narrow FAA grounds for review are arguably implicated by the award in this case.

Accordingly, plaintiff's petition will be denied by separate order.

s/ Arthur J. Schwab
Arthur J. Schwab
United States District Judge

cc: All counsel of record registered on ECF docket